OSHA Recordability and Updates



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AGENDA

- Requirements of OSHA recordkeeping
- Revisions to OSHA Recordkeeping and Reporting
- Questions & Answers





What is an OSHA Log?

➤ The OSHA Form 300 is a form for employers to record all reportable injuries and illnesses that occur in the workplace, where and when they occur, the nature of the case, the name and job title of the employee injured or made sick, and the number of days away from work or on restricted or light duty, if any.

Why is OSHA Recordkeeping Important??

- ➤ Provides information to employers & employees on injuries/illnesses & related hazards in their workplaces
- Employers: Management tool for administration of company safety & health programs
- ➤ Employees: Raises awareness level
- Provides OSHA compliance staff with information to facilitate inspections
- ➤ Produces statistical data, thereby measuring magnitude of nation's injury & illness problem

Who must comply with OSHA recordkeeping requirements?

- Many but not all employers. Exceptions are based on:
 - Small employer exemption
 - 10 or fewer employees at all times during the year
 - Low-hazard industry exemption <u>see list of Partially</u>
 <u>Exempt Industries</u>





What is required?

- OSHA Form 301 Injury and Illness Incident Report
- OSHA Form 300 Log of Work-Related Injuries and Illnesses
- OSHA Form 300A Summary of Work-Related Injuries and Illnesses
- File and update as necessary for 5 years
- Allow employees, former employees, their representatives, and OSHA access to the records upon request





What kinds of injuries or illnesses should be reported on the form?

- Employers must record all new cases of work-related fatalities, injuries, and illnesses if they involve:
 - death
 - days away from work
 - restricted work or transfer to another job
 - medical treatment beyond first aid
 - loss of consciousness, or
 - a significant injury or illness diagnosed by a physician or other licensed health care professional.



What is considered "first aid"?

- using non-prescription medications at nonprescription strength;
- cleaning, flushing, or soaking wounds on the skin surface;
- using wound coverings, such as bandages, and gauze.
- using hot or cold therapy;
- using simple irrigation or a cotton swab to remove foreign bodies not embedded in or adhered to the eye;
- using irrigation, tweezers, cotton swab or other simple means to remove splinters or foreign material from areas other than the eye;
- drinking fluids to relieve heat stress
- and more <u>1904.7(b)(5)(ii)</u>





First Aid vs Medical Treatment

	First Aid	Medical Treatment
Health care encounter	Observation, diagnostic testing, counseling, first-aid procedures	Any treatment not on the first-aid list
Medications	Non-prescription medications at non- prescription strength: ointment, cream, pill, liquid, spray, etc.	Prescription medication, whether or not it is filled or taken; non- prescription medication at
Cuts, punctures, abrasions	Bandages: Band-Aids, gauze pads, butterfly, Steri-Strips, liquid; cleaning, flushing or soaking skin wounds; non-prescription antiseptic	Sutures, staples, surgical glue, prescription-strength antiseptic; surgical debridement
Inoculations	Tetanus immunization	Hep B, rabies vaccine, other vaccinations necessary for worker to perform duties
Strains, sprains, dislocations	Heat or ice, non-rigid support, finger guards, temporary immobilization devices for transport (splints, slings, neck collars), preventive exercise guidance, preventive massage	Casts, rigid braces, chiropractic manipulation, physical therapy, exercise regime recommended by a health care professional
Burns, skin rashes, blisters	Soaking, hot or cold therapy	Any treatment beyond first aid
Bruises, contusions	Soaking, hot or cold therapy	Draining bruises by needle
Foreign bodies and splinters	Eye irrigation or swab for foreign bodies in eye; irrigation, tweezers or other small tools for splinters	Foreign bodies/splinters requiring more than simple means to remove because of location, depth, size or shape

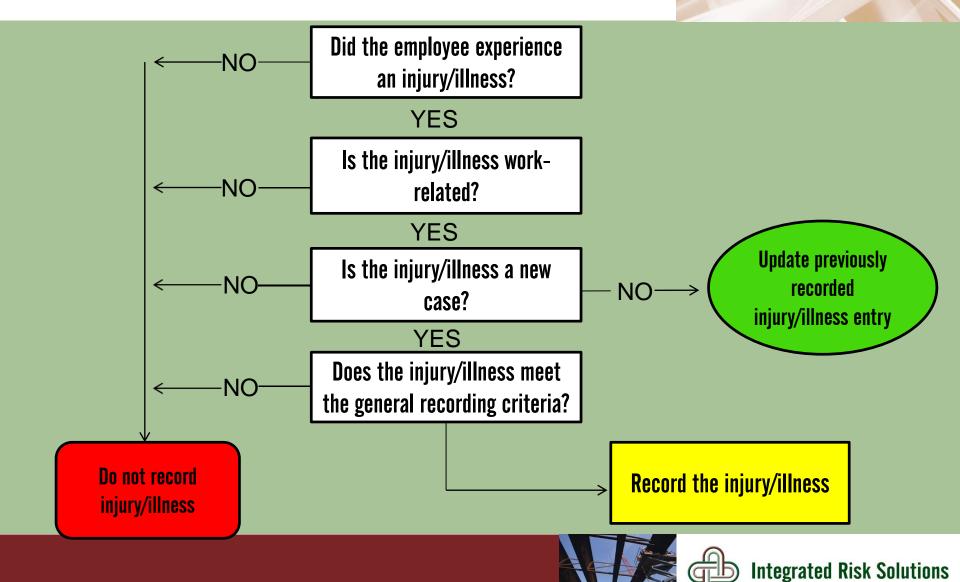
Exceptions to Recordkeeping:

- EE present in workplace as a member of the public
- EE engaged in a voluntary activity
- Mental illness
- Illness resulting from EE's personal lunch
- Illness/injury from personal tasks completed during work
- Illness/injury from self-grooming, self-medication or selfinflicted injuries

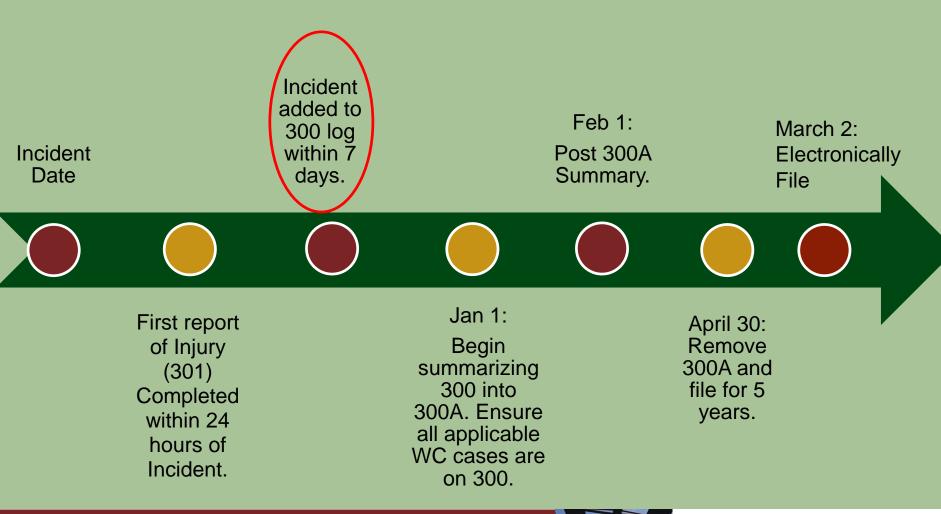




OSHA RECORDKEEPING: DECISION CHART



OSHA RECORDKEEPING: Timeline





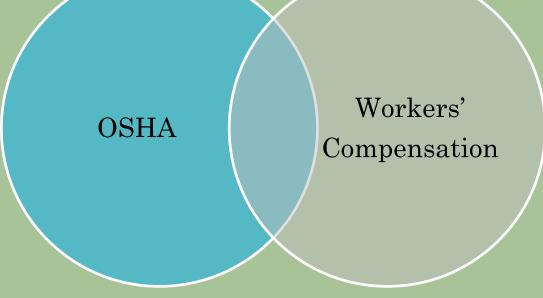
ld	entify the			Describe the	case	Class	ify the case	e									
(A) (B) Case Employee's No. Name		Job Title Date (e.g., injury	injury or	(E) Where the event occurred (e.g. Loading dock north et of end)	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g. Second degree burns on right	CHECK ONLY ONE box for each case based on the most serious outcome for that case:			Enter the number of days the injured or ill worker was:		Check the "injury" column or ch illness:			oose one type of			
		Welder) onset o illness (mo./da y)	Death			Days away from work	Remaine Job transfer or restriction	Other recordable cases	Away From Work (days)	On job transfer or restriction (days)	Vinjul	Skin Disorder	Respiratory Condition	Poisoning	Hearing Loss	All other illness	
						(G)	(H)	(1)	(J)	(K)	Ш	(1)	(2)	(3)	(4)	(5)	(6)
1	John Smith	Mechanic	1/3	Pit located NW part of shop	EE fell into pit fracturing left arm		χ	(X)		160	40	X					
2	Jane Anderson	Technician	4/18	Front entrance sidewalk	EE slipped and fell on black ice bruising right hip				X	0	0	X					
					Page totals	0	1	1	1	160	40	2	0	0	0	0	0

OSHA RECORDABILITY & WC

WARNING: **DO NOT MIX** OSHA RECORDABLES AND WORKERS' COMPENSATION

Workers' Compensation determinations do NOT impact

OSHA recordability.



- Is there a limit to the number of days away from work I must count?
 - Yes, "Cap" the total days away at 180 calendar days.
- May I stop counting days if an employee who is away from work because of an injury or illness retires or leaves my company?
 - Yes, if the employee leaves your company for some reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work or days of restriction/job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away or days of restriction/job transfer and enter the day count on the 300 Log.





- When a physician or other licensed health care professional recommends that the worker return to work but the employee stays at home anyway?
 - End the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work.





• How do I decide if the injury or illness resulted in restricted work?

- Restricted work occurs when, as the result of a work-related injury or illness:
 - You keep the employee from performing one or more of the routine functions of his or her job, or from working the full workday that he or she would otherwise have been scheduled to work;
 - A physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of his or her job, or not work the full workday that he or she would otherwise have been scheduled to work.

What is meant by "routine functions"?

 For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.





- If a case occurs in one year but results in days away during the next calendar year, do I record the case in both years?
 - No, only record the injury or illness once. Enter the number of calendar days away for the injury or illness on the OSHA 300 Log for the year in which the injury or illness occurred.
- Do I count the day on which the injury occurred or the illness began?
 - No, begin counting on the day after the injury/illness began.





- Are there situations where I do not put the employee's name on the forms for privacy reasons?
 - Yes, if there is a "privacy concern case," you <u>may not enter</u> the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name.
 - Sexual assault
 - Mental Illness
 - HIV, hepatitis, or tuberculosis
 - Needlestick injuries





- Do I record temporary employees on log if their under our direct supervision?
 - Yes, employers must record the injuries and illnesses of temporary workers if they supervise such workers on a dayto-day basis.





- Are Musculoskeletal Disorders (MSDs) reported on Logs?
 - Yes, however, there is no separate column to report, check off, MSDs on the OSHA 300 logs. They are lumped in with "all other illnesses..."

OSHA RECORDKEEPING: INCIDENT RATE

- The incidence rate of injuries and illnesses is computed from the following formula: (# of injuries and illnesses X 200,000)/ Employee hours worked = Incidence rate
- DART rate: Total cases involving days away from work, days of restricted work activity, and/or job transfer

Note: (The 200,000 hours in the formula represents the equivalent of 100 employees working 40 hours per week, 50 weeks per year, and provides the standard base for the incidence rates.)





OSHA RECORDKEEPING: INCIDENT RATE

EXAMPLE:

- A manufacturing company has 17 full-time employees and 3 part-time employees that each work 20 hours/week, totaling 28,400 labor hours. If the company experienced 3 recordable injuries what is the their incident rate?
 - IR= 3x200,000 / 28,400 IR= 21.12
- Incidence Rate Average for trade is 4.8, issue?
- What if there was only 1 recordable injury?
 - -1x200,000 / 28,400 IR= 7.04

OSHA RECORDKEEPING: POTENTIAL VIOLATIONS AND FINES

• Example:

OSHA cited a Houston heating and cooling products manufacturer, with 83 separate willful violations of recordkeeping requirements.

- Paid \$550,000 in penalties.
- The initial inspection was prompted by an employee complaint.





Let's Practice





























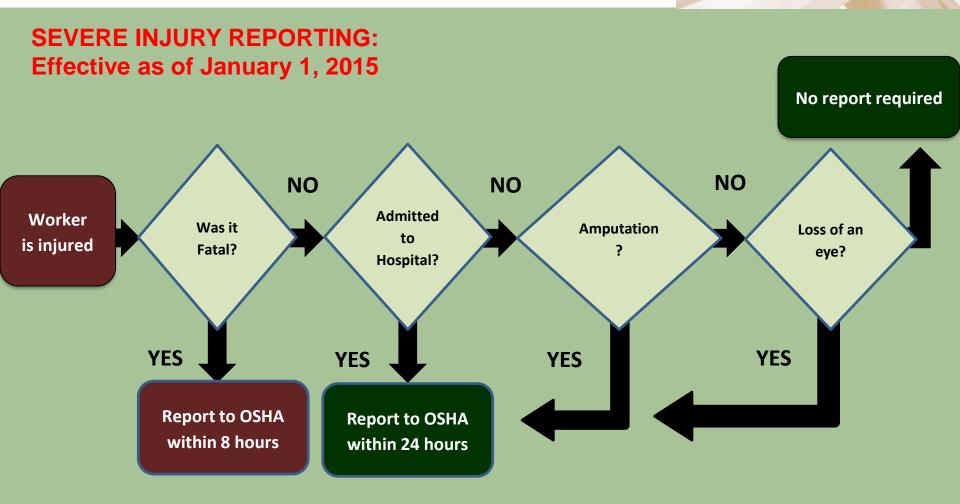
OSHA Recordkeeping Revisions and Updates

Higher OSHA Penalties

- Penalties increased by 78% on Aug. 1, 2016
 - Other Than Serious, and Serious -- \$7,000\$12,471
 - Failure to Abate -- \$7,000 \$12,471 (Daily)
 - − Willful/Repeat -- \$70,000 → \$124,709
- Increase penalties each year to adjust for inflation
 - 2% increase in 2018:
 - Other-than-serious: \$12,934
 - Serious: \$12,934
 - Repeat & Willful: \$129,336
- OSHA required to publish anticipated increase in Federal Register on/before January 15



OSHA RECORDKEEPING: REPORTING REQUIREMENTS







OSHA RECORDKEEPING: REPORTING REQUIREMENTS

Employers DO NOT have to report a case that:

- Is not work related
- Resulted from a motor vehicle accident on a public street except in a construction work zone
- Occurred on a commercial or public transportation system
- Is a death that occurred more than 30 days after the incident
- Is a hospitalization/amputation/loss of an eye that occurred <u>24</u>
 hours after the incident

Improve Tracking of Workplace Injuries and Illnesses







Electronic Recordkeeping Rule

Electronic Filing

- Injury and illness records filed electronically every year
- Phased in December 2017

Anti-Retaliation

- By OSHA interpretation, limits post-incident drug testing and safety incentive programs
- Enforcement effective as December 1, 2016





Electronic Reporting — WHO?

- 250 or more employees at any time in the previous CY
- 20 to 249 employees at any time in the previous CY... if your establishment is classified in Appendix A to Subpart E
- Or upon notification from OSHA (by mail)



Electronic Reporting- WHO?

- 1904.41(a)(2) covered Industries
 - Ag., forestry and fishing (NAICS 11)
 - Utilities (NAICS 22)
 - Construction (NAICS 23)
 - Manufacturing (NAICS 31-33)
 - Wholesale Trade (NAICS 42)
 - And more... See <u>Appendix A to Subpart E of Part 1904.</u>



Electronic Reporting — WHY?

- 'Nudge' employers to prevent workplace injuries, illnesses
- Public Shaming?



Electronic Reporting

Submission year	Establishments with 250 or more employees in industries covered by the recordkeeping rule	Establishments with 20- 249 employees In select industries	Submission deadline
2017	CY 2016 300A Form	CY 2016 300A Form	July 1, 2017
2018	CY 2017 300A, 306, 301 Forms	CY 2017 300A Form	July 1, 2018
2019 and beyond	300A, 300, 30) Forms	300A Form	March 2





OSHA: Anti-Retaliation

- 1904.35 (Employee Involvement) makes it a violation for an employer to **discourage employee** reporting of injuries and illnesses.
- Employers must inform employees of their right to report work-related injuries and illnesses free from retaliation. This obligation may be met by posting the OSHA "It's The Law" worker rights poster.



Job Safety and Health IT'S THE LAW!

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Contact OSHA. We can help.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

FREE ASSISTANCE to identify and correct hazards is available to small and mediumsized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



OSHA: Anti-Retaliation

- Employers must ensure that reporting procedures are reasonable and do not deter employees from reporting job-related injuries and illnesses.
- Employer policies that discipline an employee for failing to report an injury on a timely basis may violate the rule if its applied to workers whose injuries develop gradually over time.
- Employer may not discharge or discriminate against employee for reporting a work-related injury or illness.

OSHA: Anti-Retaliation

- Post-Accident Drug Testing
 - In the Electronic Reporting Rule, OSHA commented that blanket drug testing policies may be retaliation.
 - They should be limited to situations in which employee drug use is likely to have contributed to the incident and for which drug testing can accurately identify the impairment caused by drug use.





OSHA: Safety Incentive Programs

- Certain incentive programs that reward employees for remaining injuryfree at work can be retaliatory and deter reporting of workplace injuries and illnesses.
- OSHA states that it is a violation of the anti-retaliation provision for an employer to sue an incentive program to take adverse action, including denying a benefit because an employee reports a work-related injury or illness.
- OSHA recommends adopting incentives for employees who follow legitimate safety rules, identify hazards, participate on safety committees or other similar activities.

OSHA: Safety Incentive Programs

Anti-Retaliation Violations?









THANK YOU!!!!!

QUESTIONS????









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